

REMARKS

The allowance of claim 3 is gratefully acknowledged.

The art rejections are respectfully traversed.

Since the references are many and/or complex, Applicants will confine their remarks to those portions of the references cited by the Examiner, except as otherwise indicated. Applicants make no representation as to the contents of other portions of the references.

Any of the Examiner's rejections and/or points of argument that are not addressed below would appear to be moot in view of the following. Nevertheless, Applicants reserve the right to respond to those rejections and arguments and to advance additional arguments at a later date. No arguments are waived and none of the Examiner's statements are conceded.

Maassen/van der Heijden (Claims 1 & 11)

The Examiner cites van der Heijden as showing the cap with locking element of claim 1. Applicants respectfully submit that the Examiner mischaracterizes the reference. Element 7, which the Examiner cites as a "cap," actually appears to be a ring, per col. 3. The "cap" (3) of the reference appears to be in the base of the lamp, per Fig. 1, and does not appear to serve any optical screening purpose. The use of the word "cap" in the reference, so far as Applicants can tell, is for an entirely different type of element from what the word "cap" is used to mean in the present application. Applicants respectfully submit that this essentially a false cognate that has come up through an automated search process – based on searching on keywords from Applicants' claims. One of ordinary skill in the art would not look to this type of structure to solve a problem in an optical screening element.

REMARKS

Applicants accordingly respectfully submit that one of ordinary skill in the art would not combine the references as the Examiner does and that this combination could only come about through impermissible hindsight in view of Applicants' disclosure and claims.

Moreover — again so far as Applicants can tell based on what the Examiner has pointed out — neither of the references, whether taken singly or in combination, recognize the problem that Applicants recognize in their disclosure. This problem is the mechanical instability of Maassen's cap. Often recognizing the problem is at the heart of the invention. It is only through experimental analysis of failed lamps that one can notice such a problem and then begin to look for a solution.

Applicants accordingly respectfully submit that the Examiner has failed to make a *prima facie* case against claim 1.

Claim 11 is patentably distinct from the references for reasons analogous to those cited for claim 1.

Claim 4

Claim 4 recites that the sleeve is provided with an outer surface in which at least one recess is present. A portion of the locking element grips into that recess.

The Examiner cites van der Heijden for the limitations of this claim. Applicants respectfully submit that the Examiner mischaracterizes the reference.

In van der Heiden — at least in the portion cited by the Examiner — the recess (11) into which element (12) locks appears to be on the inside surface of the cap (3) — not on the outside surface of the ring (7). Applicants accordingly respectfully submit that the reference as applied

REMARKS

fails to teach or suggest the recitations of claim 4.

Claim 5

Claim 5 recites that the locking element grips partly into a mating recess in the sleeve and at the same time lies enclosed with another portion in a mating locking holder of the cap. In this claim, the locking element is thus functionally defined as being separate from both the sleeve and the cap, since it is gripped by the one and enclosed by the other. The Examiner's attention is directed to Fig. 2B and the various elements 70 of figures 3, 4, and 5 of the present application for examples of such a locking element.

The Examiner cites van der Heijden again for the limitations of this claim. Applicants respectfully submit that the Examiner mischaracterizes the reference.

In van der Heijden – at least in the portion cited by the Examiner – element 12 appears to be protruding from and part of the ring 7. Element 12 is not held or enclosed by ring 7 – and is not in fact separate from the ring. Applicants accordingly respectfully submit that the reference as applied fails to teach or suggest the recitations of claim 5.

Claim 8

The Examiner cites Zhao for the additional limitations of this dependent claim.

Applicants are not finding any hint of a teaching or suggestion in Zhao relating to optical screening of the sort contemplated by the invention. Accordingly, Applicants respectfully submit that one of ordinary skill in the art would not look to this reference for problems relating to optical screening. Applicants further respectfully submit that the only reason this reference

REMARKS

would be located at all is by a keyword search on the language of the claims. Given that this keyword search resulted in an apparently unrelated reference, it is an impermissible hindsight reconstruction.

Applicants accordingly respectfully submit that the Examiner has failed to make a *prima facie* case against claim 8.

Claim 9

This claim recites cement as an interlocking fixture. The Examiner's attention is directed to Fig. 6, where an example of this is illustrated. The cement 80 fills a cavity in the base of the lamp, which includes filling hole 81, but also extends through the base of the lamp into the area where reference numeral 80 is connected. The circumference 82 of the hole 81 is greater than an exit circumference 821. The filling hole 81 therefore has a tapering gradient, per p. 6 of the spec. The rise hole 811 also has a tapering gradient. This means that once the cement is hardened it becomes a locking element – actually two locking elements -- so that the cement can no longer be pulled out of the hole 81.

Accordingly, in context, it becomes clear that the recitation of the claim is not merely that the cement adheres to surfaces to be attached, but also interlocks with something.

The Examiner cites cement 29 in Ooms as being an interlocking fixture. Applicants are not seeing any interlocking here. The surfaces to be attached in Ooms at 29 do zig-zag, but Applicants do not see that there is any interlocking here as the term “interlock” is used in context in the specification.

Applicants accordingly respectfully submit that the Examiner has failed to make a *prima*

REMARKS

facie case against claim 9.

New claims 16-20

New claims 16 -18 are added to better define the locking element resulting from the cement introduced in claim 9. These claims make clear that the cement is effecting a mechanical locking unrelated to adhesion. In new claims 16-18, the cement can exert a mechanical force parallel to the direction of removal of the light source. Ooms, on the other hand — so far as Applicants can tell based on looking at element 29, cited by the Examiner — only effects adhesion.

Moreover, in claim 16, the opening in these claims for the cement contains first and second portions. The first portion surrounds the light source and any envelope, bulb, and/or sleeve that is around the light source. The second portion extends into a part of the lamp base that does not surround the light source. The shape that is exerting the retaining force is in the second portion.

New claim 17 further explain that the opening includes a shape that is broader at a side farther from the light source than it is at a side closer to the light source – also apparently not taught or suggested by Ooms as applied by the Examiner.

New claim 18 further recites that there are at least two distinct such shapes that are discontinuous from one another.

New claims 19-20 are method claims, like claims 16 and 18, but without the recitation of the sleeve.

Applicants respectfully submit that the new recitations distinguish patentably over the

REMARKS

references at least as applied by the Examiner.

Claims 10 & 12

Claim 10 recites that the locking element is a mechanical piece distinct from the sleeve and the cap. The office action does not say where this recitation is allegedly to be found in the references. Indeed, Applicants do not believe that such a piece is to be found in the references. Applicants do not see any locking element in Maassen. Element 12, cited as the alleged locking element in van der Heijden, appears to be mechanically part of the same body as ring 7. Van der Heijden does not appear to teach or suggest a mechanical piece distinct from the sleeve and the cap.

Claim 12 is analogous to claim 10 in this respect in reciting a “distinct locking element.”

Applicants accordingly respectfully submit that the Examiner has not made a *prima facie* case against claims 10 and 12.

New claims 13 through 15

Applicants have added these claims relating to an additional feature disclosed in the application, but not previously recited in the claims. Maassen shows the assembly 10/24 also functioning as an envelope around the discharge vessel 20. In contrast, the preferred embodiment of the invention shows a bulb 34 between the discharge vessel 31 and the sleeve/cap assembly 60/5. These new dependent claims relate to this feature, which further distinguishes patentably over the references.

REMARKS

Double patenting rejection

The following text is from the appeal brief:

Peters, the co-pending application, shows a sealed sleeve/cap unit 60/5, where the cap forms part of the sleeve. The double patenting rejection seems to be based on the idea that one might take Peters' sealed unit, saw off the cap portion 5, and then lock the cap portion back on with a locking element. Why on earth would one do this? It does not make sense. Why manufacture a unit, break it, then re-assemble it? The Examiner points to no motivation in the art for this procedure.

The Examiner has not responded to this argument. Applicants respectfully submit that this is improper.

The Examiner still refers to the "Scott" reference on the 3rd line of the second paragraph of p. 6 of the Office Action. Later down, though, the Examiner argues over van der Heijden. This is confusing. Which reference(s) are actually applied in this rejection? Applicants respectfully submit that the rejection fails to satisfy 37 CFR 1.104.

The deficiencies of van der Heijden are pointed to in the arguments above. It is particularly difficult to imagine how van der Heijden might be combined with the co-pending application since that application has no place to put and no need for a locking element.

The deficiencies of Scott have been previously discussed in the appeal brief. This discussion is incorporated by reference

Reconsideration and clarification of this rejection are respectfully requested.

Comments related to record in related application

Applicants note that the new reference, van der Heijden, has not been cited in the related

REMARKS

case, which is on appeal. Applicants are not aware that this reference could be relevant to that related case. For consistency, however, Applicants respectfully request that the Examiner update the related case to make van der Heijden of record there. Seeing as that case is on appeal, Applicants are not aware that they could get this done themselves, but they think that the Examiner could, since he is Examiner on both cases.

Conclusion

Applicants respectfully submit that they have answered each issue raised by the Examiner and that the application is accordingly in condition for allowance. Such allowance is therefore respectfully requested.

Please charge any fees other than the issue fee to deposit account 14-1270. Please credit any overpayment to the same account.

Respectfully submitted,

By */Anne E. Barschall/*
Anne E. Barschall
Reg. No. 31,089
(914) 332-1019
fax 914-332-7719
November 19, 2007